

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendant Jason Sheppard's Motion for Grand Jury Transcripts and for Contempt [ECF 149].

I. Motion for Grand Jury Transcripts.

We interpret Defendant's motion to be a request for the grand jury transcripts related to his criminal case: 2:10-CR-119, in light of his statement that he needs grand jury transcripts for "his Aff. of Probable Cause" because he wants "to file a criminal complaint against all involved in CR-10-119 minus Ms. McCollum." Motion, ¶ 10.

We find that Defendant does not need these documents in order to attempt to file a private criminal complaint “against all involved in CR-10-119.” Accordingly, his Motion is denied to the extent he seeks the grand jury transcripts related to his criminal case: 2:10-CR-119.

II. Motion for Contempt.

Defendant also is asking this Court to find former defense counsel Gary Gerson, AUSA Brendan T. Conway, Special Agent Neal Caldwell and Special Agent Henry Waldheim in contempt of Court for their Obstruction of Justice in securing the indictment against Sheppard and allowing his imprisonment in violation of the United States Constitution, and for their continued cover up of their crimes.” Id. at ¶ 12.

18 U.S.C. § 401 states:

A court of the United States shall have power to punish by fine or imprisonment, or both, at its discretion, such contempt of its authority, and none other, as—

(1) Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;

(2) Misbehavior of any of its officers in their official transactions;

(3) Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

18 U.S.C. § 401. We find that Defendant has not established any basis for this Court to find the named individuals either in criminal or civil contempt of Court. Therefore, Defendant's Motion for Contempt is denied.

III. Conclusion.

For the reasons set forth above, Defendant's Motion for Grand Jury Transcripts and for Contempt [ECF 149] shall be denied. An appropriate Order follows:

ORDER

AND NOW, this 23rd day of December, 2015, it is hereby ORDERED, ADJUDGED, AND DECREED that Defendant's Motion for Grand Jury Transcripts and for Contempt [ECF 149] is DENIED.

Maurice B. Cohill, Jr.
Maurice B. Cohill, Jr.
Senior District Court Judge

cc: Jason Sheppard
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